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Human rights and unilateral coercive measures

Report of the Secretary-General

Addendum

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I. Introduction

1. The present addendum is submitted in accordance with General Assembly resolution 55/110 of 13 March 2001. In compliance with paragraph 8 of the resolution, the Secretary-General, in a note verbale dated 4 May 2001, invited Member States to transmit information relevant to the subject matter. Those responses were compiled in his report of 20 July 2001, entitled "Human rights and unilateral coercive measures" (A/56/207). As of 22 August 2001, further replies were received from the Governments of the Republic of Azerbaijan and the Socialist People's Libyan Arab Jamahiriya, which are summarized below.

II. Replies received from Governments

Republic of Azerbaijan

[Original: Russian]
[3 August 2001]

2. Azerbaijan regained its independence in October 1991, became a State Member of the United Nations in March 1992 and has vigorously sought to integrate itself into the international community. Today, it is systematically pursuing a course of reform designed to secure the application of the universally accepted principles and standards of a State governed by the rule of law, establish new democratic institutions and protect human rights.

3. In today's multipolar world, human rights, of which the right to development is a core component, should be recognized and understood the world over as a force that unites people and societies.

4. As a result of the continuing armed aggression by the Republic of Armenia against the Republic of Azerbaijan, Armenian armed forces have occupied more than 20 per cent of Azerbaijani territory and hundreds of thousands of families have been forced to leave their homes. More than 1 million refugees from Armenia and forcibly displaced persons from the Azerbaijani territories seized by Armenian armed units have settled in 58 towns and districts throughout Azerbaijan. As a result of Armenian aggression, the Azerbaijani State has suffered massive and moral injury and hundreds of thousands of Azerbaijanis have been deprived of their human rights.

5. Owing to the economic crisis, most people have lost their jobs and other sources of income, thus creating an atmosphere of social apathy. People have lost their faith in prosperity. The transition from a State-controlled to a market economy has shaken the accepted notion of an honest life. Unemployment and dislocation have led to a rise in crime.

6. It was not until 1993 that the President of the Republic of Azerbaijan, Heydar Aliyev, who resumed leadership of the country by popular demand, secured a truce and a ceasefire.

7. The peace-loving policy he pursued averted further occupation of our country's territory, saved thousands of people from annihilation and thereby protected their basic human right — the right to life and future development.

8. The Constitution of the Republic of Azerbaijan, adopted in a nationwide referendum on 12 November 1995, was another turning point in the development of society and the observance of citizens' rights and freedoms.

9. The Constitution proclaims the inviolability, indefeasibility and inalienability of the rights and freedoms of every individual from birth.

10. Furthermore, the primary objective of the authorities is to protect the rights and freedoms of each individual, regardless of race, nationality, religion, language, gender, origin, opinion, political or social affiliation, or other factors.

11. The protection of human rights in the context of the radical democratic changes taking place in Azerbaijan is a question addressed in laws and regulations.

12. The Presidential Decree on measures to ensure human and citizens' rights and freedoms (22 February 1998) paved the way for expediting the development of democracy and the process of integrating our country into the international community.

13. This Decree articulates concepts and basic principles and sets priorities in the field of human rights protection initiatives. It provides for a comprehensive, nationwide approach to the consideration of these issues.

14. A national human rights protection programme was approved by a Presidential Order of 18 June 1998.

15. A Human Rights Research Institute has been established at the Azerbaijani Academy of Sciences to carry out research into issues connected with human rights and freedoms and to deepen legal knowledge.

16. An important human rights measure in Azerbaijan has been the establishment of the institution of an ombudsman or human rights commissioner. A constitutional bill providing for the appointment of an ombudsman, which was drafted with the assistance of international structures, has already passed its third reading in Parliament and will become law upon completion of the relevant legislative procedure.

17. As noted above, the Azerbaijani Constitution guarantees the universal right to life and proclaims the unlawfulness of taking a person's life. In this connection, the abolition of the death penalty represents an important step towards protecting human rights.

18. The President of the Republic, demonstrating his faith in the ideals of justice, freedom and humanity, proclaimed the abolition of the death penalty on 22 January 1998. Capital punishment was abolished by an Act of 10 February 1998.

19. Other important human rights measures were the restoration, in May 1995, at the initiative of the President, of the institution of Presidential pardons and the establishment of a Pardons Commission reporting to the President.

20. A number of landmark statutes have been adopted to promote the successful and effective development of constitutionally guaranteed human rights and freedoms.

21. The Azerbaijani State believes that mass media are an instrument of democracy and is therefore taking the necessary measures to ensure their unhindered establishment, operation and development.

22. Freedom of the spoken and written word, the right of citizens to express their opinions and views in the media, and their right to obtain and disseminate information are reflected in the new Mass Media Act.

23. There are currently over 500 media organs in Azerbaijan, including newspapers, magazines, television stations and news agencies.

24. Today, most of the hundreds of newspapers and magazines, the dozens of radio and television stations and numerous news agencies in Azerbaijan are owned by private structures, individuals and political or voluntary organizations.

25. Conditions have been created for the mass media to express any thought or disclose any fact that is not an official secret. To this end, the President, considering the development of independent mass media and the safeguarding of freedom of opinion, speech and information to be matters of national importance, signed a Decree on 6 August 1998 concerning additional measures to guarantee freedom of opinion, speech and information in the Republic of Azerbaijan. This Decree abolished censorship.

26. The present Constitution devotes considerable space to a range of political rights and freedoms of Azerbaijani citizens. The Presidential elections of 11 October 1998 once again demonstrated the democratic path of development taken by independent Azerbaijan. During the election campaign there was every opportunity to exercise freedom of opinion, speech, assembly and other human rights and freedoms.

27. The current democratic changes in Azerbaijan, which resulted in national independence in 1991, have demonstrated the need for the establishment of various kinds of organizations and of the conditions for their development. The voluntary associations which currently exist are established and operate in accordance with the Constitution, the Political Parties Act, the Voluntary Associations Act, the Trade Unions Act and other statutes of the Republic of Azerbaijan. A total of 38 political parties are currently registered in the country. A genuine multiparty system has therefore been established and is functioning in Azerbaijan.

28. More than 1,300 non-governmental organizations (NGOs) are currently registered, including groups focusing on, inter alia, women, children, young people, human rights, international affairs, charity work, sports, medicine, environmental matters, culture, education, science and technology and trade unions. As well as their being allowed to operate without interference, no restrictions are placed on their access to the mass media or their ability to organize events of various kinds.

29. Azerbaijan boasts more than 30 NGOs involved in protecting human rights.

30. A United Nations national human rights coordinator and a human rights resource centre have

been established to support the work of human rights institutions.

31. All the necessary conditions have been set in place to develop the trade union movement. Workers at enterprises, organizations and institutions and representatives of various professions have the right and the opportunity to form trade unions. The existence of more than 40 trade unions testifies to this fact.

32. The Azerbaijani Constitution enshrines the equal rights of men and women and establishes a legal framework for their active participation in the process of democratic State-building. Azerbaijan has approximately 20 women's NGOs whose work focuses on: protection of women's rights; provision of practical assistance in developing female enterprise in a market economy; job creation for women; protection of the family, women's health and children; involvement of women in social and political life and provision of assistance to refugees, children's homes, the disabled and the families of Karabakh war dead.

33. In order to enhance the organization of State policy with regard to women, a State Committee on Women's Issues was established by a Presidential Decree of 14 January 1998 and the Cabinet of Ministers was instructed to devise appropriate provisions for the advancement of women in the nation's political, social, economic and cultural life.

34. In March 2000 the President signed a Decree on the implementation of a policy for the advancement of women in the Republic of Azerbaijan. This Decree laid down guidelines for strengthening the role of women in State and public administration.

35. There are currently over 300 religious organizations in Azerbaijan, representing, inter alia, Islam, the Russian Orthodox Church, the Georgian Orthodox Church, the Molokane Christians, Adventist Protestants, Judaism, the German Lutheran Church, the New Apostolic community (Germany), the "Quickening Grace" Protestant community, the International Krishna Consciousness Society and the Baha'i community.

36. The Azerbaijani Constitution enshrines a commitment to the principles of an independent, secular State, international legal norms and respect for human rights. In accordance with international principles, all citizens residing in Azerbaijan are guaranteed inviolability of the person and of their rights and freedoms.

37. The Constitutional Act on State Independence proclaimed that "all citizens of the Republic of Azerbaijan are equal before the law" and that the Republic of Azerbaijan, as a subscriber to the Universal Declaration of Human Rights, the Helsinki Final Act and other universally recognized international legal instruments, guarantees the unhindered implementation of all the rights and freedoms of citizens contained therein regardless of sex, race, national affiliation, religion, social status, political views or other factors.

38. Section II of the Azerbaijani Constitution enshrines in law, as required by international legal norms, the rights, freedoms and duties attaching to Azerbaijani citizens irrespective of language, religion, race or political views. Furthermore, the Declaration on the Restoration of the National Independence of the Azerbaijani Republic, adopted on 19 August 1991 by the Supreme Soviet of Azerbaijan, states that all Azerbaijani citizens, regardless of their national affiliation or faith, are guaranteed all the rights and fundamental freedoms provided for in international instruments. A Presidential Decree of 1 September 1992 provides for State assistance for the protection of the rights and freedoms of national minorities and numerically small peoples and ethnic groups, and the development of their language and culture.

39. In recent years a number of important measures have been devised and implemented to improve the protection of the social rights of the population, especially low-income families, and to take meaningful steps to better their condition and that of disabled people, families deprived of a breadwinner, the families of *shuhada'* and pensioners.

40. Approximately 30 statutes and over 30 Presidential decrees and orders on strengthening the protection of the social rights of the population have been adopted in Azerbaijan. Particular emphasis is laid on job-placement, especially of indigent persons, refugees, forcibly displaced persons and the disabled.

41. The State programme for the prevention of disability and the rehabilitation of disabled persons, which is being systematically applied, maps out a national strategy for the medical and social rehabilitation, employment and education of disabled people and the protection of their social rights.

42. As noted earlier, one of the principal problems facing Azerbaijan today is the presence in its territory of refugees and temporarily displaced persons.

43. Specific measures are being taken to improve the situation of refugees and forcibly displaced persons. A State Commission was established pursuant to a Presidential Order of 1 July 1998 on the formulation of a national programme to address the problems of refugees and forcibly displaced persons. The programme was subsequently approved by an Order of 17 September 1998. There is also a National Commission for International Humanitarian and Technical Assistance, established by Presidential Decree.

44. The legal status of refugees and displaced persons is regulated by the 1992 Refugees and Displaced Persons (Status) Act. The issue of naturalization of refugees and forcibly displaced persons, which had been raised by eminent legal experts, was resolved in the Citizenship Act of October 1998, which stipulates that refugees who came to Azerbaijan between January 1988 and January 1992 are Azerbaijani citizens and enjoy all the rights of Azerbaijani citizens.

Socialist People's Libyan Arab Jamahiriya

[Original: Arabic]
[13 August 2001]

45. According to the Government of the Libyan Arab Jamahiriya, the international community has repeatedly expressed its condemnation of unilateral coercive measures in view of their disastrous effects on the enjoyment of basic human rights, particularly the right to a standard of living adequate for health and well-being.

46. It believes that the indisputable importance of this matter was highlighted in the final document of the World Conference on Human Rights, in which States were called upon to refrain from any unilateral measures not in accordance with international law and the Charter of the United Nations that created obstacles to trade relations among States and impeded the full realization of the human rights set forth in the Universal Declaration of Human Rights and other relevant international instruments.

47. The Government of the Libyan Arab Jamahiriya further reaffirms that the importance of this matter has also been emphasized in other international forums. The General Assembly has consistently expressed its grave concern about the fact that certain States promulgate legislation the scope of application of which transcends their territorial borders and the effects of which infringe the sovereignty of other States. The General Assembly has emphasized that the promulgation of such legislation undermines the lofty principles of the Charter of the United Nations and other rules of international law and that such measures entail deliberate violation of the sovereignty of States and constitute a blatant interference in their internal affairs.

48. These positions clearly show the extent to which the international community is opposed to unilateral coercive measures. However, in spite of its categorical and unequivocal rejection thereof, such measures are still being applied to numerous States and, consequently, there is a need for a more intensive international campaign against this phenomenon, which is impeding the effective enjoyment of human rights and fundamental freedoms. Accordingly, the Libyan Arab Jamahiriya heartily welcomes General Assembly resolution 55/110 of 4 December 2000, as it is one of the States that have been suffering from those measures since 1982, when the President of the United States of America issued a decree providing for unilateral punitive measures which prevented the effective enjoyment of human rights by depriving Libyan students and Libyan institutions of the opportunity to benefit from advanced technology. The freezing of Libyan assets in American banks also deprived the Libyan people of resources that were intended to be used to improve their standard of living and well-being.

49. It is common knowledge that most countries of the world condemned those coercive measures taken by the United States against Libya, this condemnation being expressed in resolutions and declarations adopted by regional and international organizations. However, the United States of America totally disregarded the will of the international community, as illustrated by the ill-famed decision taken by the United States Congress in 1996 to impose penalties on nationals and corporations of other States if they made financial investments in Libya which might enhance Libya's ability to develop its petroleum resources. That

disregard was further emphasized by the decision taken by the Foreign Relations Committee of the United States House of Representatives on 22 June 2001 to extend the application of that legislative enactment for another five years, thereby once again clearly showing the extent to which it was prepared to flout not only the will of the international community, as expressed by large groupings of independent sovereign States, but also the demands of the vast majority of the members of the international community, as expressed in resolution 55/6, adopted at the fifty-fifth session of the General Assembly, in which the Assembly expressed deep concern at the negative impact of unilateral coercive measures because they were contrary to the recognized principles of international law, and in which the Assembly called for the repeal of unilateral extraterritorial laws that imposed coercive measures on corporations and nationals of other States.

50. The Socialist People's Libyan Arab Jamahiriya believes this ongoing challenge, consisting in the imposition of unilateral coercive measures, necessitates the adoption of urgent and effective measures by the international community to achieve full compliance with the resolutions adopted by the General Assembly and the Commission on Human Rights calling for the cessation of unilateral coercive practices, since they obstruct the development and expansion of the scope of trade relations among States and impede the full realization of the rights enshrined in the Universal Declaration of Human Rights and other relevant international instruments, particularly the right of individuals and peoples to development, progress and prosperity.